

MINUTES
Texas Board of Health Meeting
March 11, 2004

The March 11, 2004, meeting of the Texas Board of Health (Board) was called to order at 10:05 a.m., at the Texas Department of Health (department), 1100 West 49th Street, Room M-739, Austin, Texas. Mr. George H. McCleskey, Chair, presided. A quorum was present with members Raymond Hannigan, Margo Scholin, B.S.N., M.S., J.D. and Mary E. Ceverha in attendance.

Registered Guests

Ruthel Goss, Genzyme Therapeutics/Genzyme Corporation
Susan Franzetti
Charles Bailey, Texas Hospital Association
Rodney Throgmorton, Vaccine Works
Jerri-Lynn Throgmorton, Vaccine Works
Nelda C. Skevington, UNICARE
Sterling Kropp, Robert's Pool Services, Dallas
Lillian Gilligan, Glaxo-Smith-Kline
Tom Malone, American Dietetic Association
Sarr West, Texas Hospital Association
Pati McCandless, UNICARE
Robert Crocker, UNICARE
Denise Marchman, Huges & Luce
Gaspar Laca, Glaxo-Smith-Kline
Coles Hairston, UNICARE
Suzie Jackson, Vaccine Works
Herman Willis Merck
Chris Bianco, Merck
Gayle Jones, Cypress-Fairbanks Independent School District
Carrie Kroll, Texas Pediatric Society
Regina Martin, Legislative Budget Board
Gayle Harris, Texas Medical Association
Ed Koth
Jorey Berry, Texas Chapter March of Dimes, Austin
Deborah Hammond, Pacificare
Frankie Milley
Suzan Jackson, Vaccine Works
Beth Null, Glaxo-Smith-Kline
Susan Griffin, Texas Medical Association
Ari Brown, M.D., Texas Pediatric Society, Texas Medical Association,
Texas Academy of Family Physicians
Jorey Berry, March of Dimes
Denise Marchman, Hughes & Luce

Mr. McCleskey welcomed guests. Also in attendance at the meeting were Eduardo J. Sanchez, M.D., M.P.H., Commissioner of Health, and other key staff members of the department.

ON A MOTION MADE BY MS. CEVERHA AND SECONDED BY MS. SCHOLIN, THE MINUTES OF THE JANUARY 15, 2004 TEXAS BOARD OF HEALTH MEETING WERE APPROVED.

Mr. McCleskey and Dr. Sanchez presented a resolution in recognition of Mr. Benjamin (Ben) Delgado for his service to the Texas Department of Health and to wish him well as he leaves the Texas Department of Health to become Chief Operating Officer for the newly formed Department of Family and Protective Services. (*Attachment I*)

Dr. Sanchez spoke regarding the promotion of nutrition and healthy eating in Texas and presented the Commissioner's Report. Dr. Sanchez announced that a Department of State Health Services (DSHS) Leadership Team, with members representing the three legacy agencies that will comprise the new department, has been formed to guide critical transformation processes and to advise the DSHS Program Management Office (PMO). Dr. Sanchez introduced the three members representing the three legacy agencies: Mr. Bill Campbell, Acting Commissioner for Texas Department of Health Mental Health and Mental Retardation; Mr. Sam Shore, DSHS PMO; and Ms. Debbie Berndt, DSHS PMO. Dr. Sanchez introduced two representatives from the Texas Commission on Alcohol and Drug Abuse (TCADA), Dr. Dave Wanser, Executive Director and Mr. Jon Weizenbaum, External Relations Director/DSHS PMO. (*Attachments II-III*)

Mr. Mark Scott, Director, Internal Audit, presented a report regarding progress on the Internal Audit Plan, the financial statement and federal compliance portion of the statewide audit, the bioterrorism audit and the department Contract Management audit. (*Attachment IV*)

Ms. Elaine Powell, Director, Business Improvement Office, presented an update on the business practices evaluation recommendations and stated that 89 percent of the 94 recommendations have been either completed or partially completed. They are in the final stages of the review of the South Texas Health Care System and are participating in a workgroup created by Dr. Curry to coordinate activities and expenditures related to bioterrorism. (*Attachment V*)

Rick Danko, Dr. P.H., Director, Office of Strategic Health Planning, presented an update on the State Strategic Health Partnership which will have a Business and Philanthropy Round Table Meeting on April 24, 2004. This meeting will be the first of its kind that brings business and philanthropy interests into the Partnership's vision for a healthier Texas. Partnership Co-Chairs Dr. Eduardo Sanchez and Ms. Milla Perry Jones, and Curtis Meadows, Director, RGK Center for Philanthropy and Community Services, will be hosting this meeting. (*Attachment VI*)

Mr. Hannigan recognized Ms. Machel Pharr, Chief Financial Officer, to speak regarding the approval to submit a request for additional capital budget authority for this current state fiscal year. (*Attachment VII*)

ON A MOTION MADE BY MR. HANNIGAN AND SECONDED BY MS. CEVERHA, THE BOARD APPROVED THE SUBMISSION OF A REQUEST TO THE GOVERNOR AND LEGISLATIVE BUDGET BOARD FOR THE CAPITAL BUDGET AUTHORITY FOR THIS CURRENT STATE FISCAL YEAR.

Mr. Hannigan recognized Mr. Mike Montgomery, Chief, Bureau of Nutrition Services, concerning a request to accept a gift from Ms. Gina Vendetti to recognize and support the contribution the Women Infants and Children's Program makes to the health of women and children of Texas. (*Attachment VIII*)

ON A MOTION MADE BY MR. HANNIGAN AND SECONDED BY MS. SCHOLIN, THE BOARD ACCEPTED A GIFT FOR \$500.00 FROM MS. GINA VENDETTI FOR THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

Mr. Hannigan recognized Dr. Robert Crocker, National Medical Director for UNICARE, who spoke on behalf of UNICARE and thanked the Texas Board of Health and the Commissioner of Health for taking the initiative to promote better nutrition and physical activity for the State of Texas. Dr. Crocker requested the consideration of the acceptance of their donation of 500,000 copies of a publication called *Healthy Habits for Healthy Kids – A Nutrition and Activity Guide for Parents*. The publication was created and published by WellPoint Health Networks, Inc. and the American Dietetic Association to help parents understand the health risks associated with obesity and to promote better nutrition and physical activity for their families. (*Attachment IX*)

ON A MOTION MADE BY MR. HANNIGAN AND SECONDED BY MS. CEVERHA, THE BOARD ACCEPTED A DONATION OF 500,000 COPIES OF *HEALTHY HABITS FOR HEALTHY KIDS -- A NUTRITION AND ACTIVITY GUIDE FOR PARENTS* FROM UNICARE FOR DISTRIBUTION TO DEPARTMENT CUSTOMERS.

Mr. Hannigan recognized Ms. Debra Wanser, Associate Commissioner for Family Health, concerning the cost saving measure taken by the department to discontinue reimbursement for Renagel as of December 31, 2003 and the donation from Genzyme Corporation of Renagel. The donation from Renagel is valued at \$1.34 million and will be dispensed by DSM Pharmacy to the Kidney Health Care Program recipients. Ms. Wanser introduced Ms. Ruthel Goss, representative of Genzyme Corporation, to formally present the donation. Ms. Goss stated the Texas Kidney Health Care Program is a vital and integral part of the health care access for thousands of patients, and is the best managed program of its type in this country. (*Attachment X*)

ON A MOTION MADE BY MR. HANNIGAN AND SECONDED BY MS. CEVERHA, THE BOARD ACCEPTED THE DONATION OF RENAGEL VALUED AT \$1.34 MILLION TO BE DISPENSED BY DSM PHARMACY TO THE KIDNEY HEALTH CARE PROGRAM RECIPIENTS.

Mr. McCleskey announced a recess at 11:26 a.m., on Thursday, March 11, 2004.

Mr. McCleskey reconvened the meeting at 11:40 a.m., on Thursday, March 11, 2004. Other Board members in attendance were Ms. Mary E. Ceverha, Mr. Raymond Hannigan, and Ms. Margo Scholin.

Ms. Debra F. Owens, Chief, Bureau of Vital Statistics, requested approval of proposed rules concerning the administrative procedures, issuance of vital records events and statistical information, and the Central Adoption Registry of the Bureau of Vital Statistics. (*Attachment XI*)

ON A MOTION MADE BY MR. HANNIGAN AND SECONDED BY MS. SCHOLIN, THE BOARD APPROVED THE PROPOSED RULES CONCERNING ADMINISTRATIVE PROCEDURES, ISSUANCE OF VITAL RECORDS EVENTS AND STATISTICAL INFORMATION, AND THE CENTRAL ADOPTION REGISTRY OF THE BUREAU OF VITAL STATISTICS FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 60-DAY COMMENT PERIOD.

Mr. Tom Sidwa, D.V.M., Director, Zoonosis Control Division, requested approval of the proposed rule concerning facilities for the quarantining or impounding of animals. (*Attachment XII*)

ON A MOTION MADE BY MS. SCHOLIN AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED THE PROPOSED RULE CONCERNING FACILITIES FOR THE QUARANTINING OR IMPOUNDING OF ANIMALS FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Mr. Phillip W. Walker, Chief, Bureau of Kidney Health Care, requested approval of proposed rules concerning the Kidney Health Care Program. (*Attachment XIII*)

ON A MOTION MADE BY MR. MCCLESKEY AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED THE PROPOSED RULES CONCERNING THE KIDNEY HEALTH CARE PROGRAM FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Margaret Drummond-Borg, M.D., Director, Genetic Screening and Case Management Division, requested approval of proposed rules concerning the Newborn Screening Program. (*Attachment XIV*)

ON A MOTION MADE BY MR. MCCLESKEY AND SECONDED BY MS. CEVERHA, THE BOARD APPROVED THE PROPOSED RULES CONCERNING THE NEWBORN SCREENING PROGRAM FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Mr. Sam B. Cooper III, Director, Children with Special Health Care Needs Division, requested approval of a proposed rule concerning the payment of services and the deadline for correction and resubmission of denied claims in the Children with Special Health Care Needs Services (CSHCN) Program. (*Attachment XV*)

ON A MOTION MADE BY MR. MCCLESKEY AND SECONDED BY MS. CEVERHA, THE BOARD APPROVED A PROPOSED RULE CONCERNING PAYMENT OF SERVICES IN THE CHILDREN WITH SPECIAL HEALTH CARE NEEDS SERVICES PROGRAM FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Ms. Pam K. Kaderka, Program Specialist, Respiratory Care Practitioners Program, Professional Licensing and Certification, requested approval of proposed rules concerning the certification of respiratory care practitioners. (*Attachment XVI*)

ON A MOTION MADE BY MS. SCHOLIN AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED PROPOSED RULES CONCERNING CERTIFICATION OF RESPIRATORY CARE PRACTITIONERS FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Ms. Ruth E. McBurney, Bureau of Radiation Control, requested approval of the proposed repeal and new rule concerning registration and radiation safety requirements for lasers and intense-pulsed light devices. (*Attachment XVII*)

ON A MOTION MADE BY MS. SCHOLIN AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED PROPOSED RULES CONCERNING REGISTRATION AND RADIATION SAFETY REQUIREMENTS FOR LASERS AND INTENSE-PULSED LIGHT DEVICES FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Ms. Ruth E. McBurney, Bureau of Radiation Control, requested approval of the proposed repeal and new rule concerning licensing of radioactive waste processing and storage facilities. (*Attachment XVIII*)

ON A MOTION MADE BY MS. SCHOLIN AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED PROPOSED RULES CONCERNING LICENSING OF RADIOACTIVE WASTE PROCESSING AND STORAGE FACILITIES FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Ms. Ruth E. McBurney, Bureau of Radiation Control, requested approval of a proposed rule concerning radiation control regulations for dental radiation machines. (*Attachment XIX*)

ON A MOTION MADE BY MS. SCHOLIN AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED PROPOSED RULES CONCERNING RADIATION CONTROL REGULATIONS FOR DENTAL RADIATION MACHINES FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Ms. Ruth E. McBurney, Bureau of Radiation Control, requested approval of a proposed rule concerning licensing of uranium recovery and byproduct material disposal facilities. (*Attachment XX*)

ON A MOTION MADE BY MS. SCHOLIN AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED A PROPOSED RULE CONCERNING LICENSING OF URANIUM RECOVERY AND BYPRODUCT MATERIAL DISPOSAL FACILITIES FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Ms. Cindy Bednar, Director of Licensing Programs, Health Facility Licensing and Compliance Division, requested approval of proposed rules concerning the regulation of special care facilities. (*Attachment XXI*)

ON A MOTION MADE BY MS. SCHOLIN AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED PROPOSED RULES CONCERNING THE REGULATION OF SPECIAL CARE FACILITIES FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Mr. Elias Briseño, Director, General Sanitation and Product Safety Division, requested approval of proposed repeal of rules concerning the design standards for public swimming pool construction. (*Attachment XXII*)

ON A MOTION MADE BY MS. SCHOLIN AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED PROPOSED RULES CONCERNING THE DESIGN STANDARDS FOR PUBLIC SWIMMING POOL CONSTRUCTION FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Mr. Elias Briseño, Director, General Sanitation and Product Safety Division, requested approval of proposed repeal of rules and new rules concerning the minimum operating standards for public pools and spas to assure proper filtration, chemical, and general maintenance of water and safety to users. (*Attachment XXIII*)

Mr. McCleskey called for discussion and recognized persons to speak.

Ms. Gayle Jones, Cypress-Fairbanks Independent School District (Houston area), requested the Board delay these rules to be effective May 1st to make it easier for schools to comply by the next school year. (*Attachment XXIV*)

ON A MOTION MADE BY MS. SCHOLIN AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED PROPOSED RULES CONCERNING THE MINIMUM OPERATING STANDARDS FOR PUBLIC POOLS AND SPAS TO ASSURE PROPER FILTRATION, CHEMICAL, AND GENERAL MAINTENANCE OF WATER AND SAFETY TO USERS FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Mr. McCleskey announced that the final rules concerning the regulation of mold-related activities that affect indoor air quality have been withdrawn from the agenda.

Ms. Julie W. Loera, Chief, Training and Evaluation Branch, Bureau of Food and Drug Safety, requested approval of final adoption of rules concerning the juice Hazard Analysis Critical Control Point (HACCP) systems. (*Attachment XXV*)

ON A MOTION MADE BY MS. SCHOLIN AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED AN ORDER ADOPTING RULES CONCERNING JUICE HAZARD ANALYSIS CRITICAL CONTROL POINT (HACCP) SYSTEMS TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Ms. Julie W. Loera, Chief, Training and Evaluation Branch, Bureau of Food and Drug Safety, requested approval of final adoption of a rule concerning the production, processing, and distribution of bottled and vended drinking water. (*Attachment XXVI*)

ON A MOTION MADE BY MS. SCHOLIN AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED AN ORDER ADOPTING A RULE CONCERNING THE PRODUCTION, PROCESSING, AND DISTRIBUTION OF BOTTLED AND VENDED DRINKING WATER TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Ms. Cindy Bednar, Director of Licensing Programs, Health Facility Licensing and Compliance Division, requested approval of final rules concerning the regulation of hospitals. (*Attachment XXVII*)

ON A MOTION MADE BY MS. SCHOLIN AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED AN ORDER ADOPTING RULES CONCERNING THE REGULATION OF HOSPITALS TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Ms. Cindy Bednar, Director of Licensing Programs, Health Facility Licensing and Compliance Division, requested approval of final rules concerning the regulation of birthing centers. (*Attachment XXVIII*)

ON A MOTION MADE BY MS. SCHOLIN AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED AN ORDER ADOPTING RULES CONCERNING THE REGULATION OF BIRTHING CENTERS TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Ms. Cindy Bednar, Director of Licensing Programs, Health Facility Licensing and Compliance Division, requested approval of final rules concerning the regulation of ambulatory surgical centers. (*Attachment XXIX*)

ON A MOTION MADE BY MS. SCHOLIN AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED AN ORDER ADOPTING RULES CONCERNING THE REGULATION OF AMBULATORY SURGICAL CENTERS TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Ms. Susan C. Penfield, M.D., Chief, Bureau of Communicable Disease Control, requested approval of final adoption of rules concerning tuberculosis screening and treatment in jails and other correctional facilities. (*Attachment XXX*)

ON A MOTION MADE BY MR. MCCLESKEY AND SECONDED BY MS. SCHOLIN, THE BOARD APPROVED AN ORDER ADOPTING RULES CONCERNING TUBERCULOSIS SCREENING AND TREATMENT IN JAILS AND OTHER CORRECTIONAL FACILITIES TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Ms. Jan Maberry, Program Manager, County Indigent Health Care Program, requested approval of final rules concerning the County Indigent Health Care Program (CIHCP). (*Attachment XXXI*)

ON A MOTION MADE BY MR. MCCLESKEY AND SECONDED BY MS. SCHOLIN, THE BOARD APPROVED AN ORDER ADOPTING RULES CONCERNING COUNTY INDIGENT HEALTH CARE PROGRAM TO BE EFFECTIVE APRIL 1, 2004 AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Ms. Margaret Bruch, Bureau Coordinator, Bureau of Children's Health, requested approval of final adoption of rules concerning the Amplification for Children of Texas (PACT).
(Attachment XXXII)

ON A MOTION MADE BY MR. MCCLESKEY AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED AN ORDER ADOPTING RULES CONCERNING THE PROGRAM FOR AMPLIFICATION FOR CHILDREN OF TEXAS (PACT) TO BE EFFECTIVE APRIL 1, 2004 AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Ms. Margaret Bruch, Bureau Coordinator, Bureau of Children's Health, requested approval of final adoption of rules concerning the Vision and Hearing Screening and Audiometric Lab Program.
(Attachment XXXIII)

ON A MOTION MADE BY MR. MCCLESKEY AND SECONDED BY MS. SCHOLIN, THE BOARD APPROVED AN ORDER ADOPTING RULES CONCERNING THE VISION AND HEARING SCREENING AND AUDIOMETRIC LAB PROGRAM TO BE EFFECTIVE AUGUST 1, 2004, AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Ms. Ceverha recommended the approval of final adoption of rules concerning agenda items 9Y through 9DD which includes the following committees to be abolished due to HB 2292: Children with Special Health Care Needs (CSHCN) Advisory Committee, Kidney Health Care Advisory Committee, Indigent Health Care Advisory Committee, School Health Advisory Committee, Oral Health Services Advisory Committee, and Animal Friendly Advisory Committee. (Attachment XXXIV - XXXIX)

ON A MOTION MADE BY MS. CEVERHA AND SECONDED BY MS. SCHOLIN, THE BOARD APPROVED AN ORDER ADOPTING THE REPEAL OF RULES CONCERNING THE CHILDREN WITH SPECIAL HEALTH CARE NEEDS (CSHCN) ADVISORY COMMITTEE, KIDNEY HEALTH CARE ADVISORY COMMITTEE, INDIGENT HEALTH CARE ADVISORY COMMITTEE, SCHOOL HEALTH ADVISORY COMMITTEE, ORAL HEALTH SERVICES ADVISORY COMMITTEE, AND ANIMAL FRIENDLY ADVISORY COMMITTEE TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Ms. Linda Wiegman, Assistant General Counsel, spoke for Bruce Gunn, Ph.D., Manager, Health Provider Resources Division, Center for Health Statistics, and requested approval of final rules concerning the certification of non-profit hospitals and hospital systems for limited liability for non-economic damage awards. (*Attachment XL*)

ON A MOTION MADE BY MR. HANNIGAN AND SECONDED BY MS. SCHOLIN, THE BOARD APPROVED AN ORDER ADOPTING RULES CONCERNING THE CERTIFICATION OF NON-PROFIT HOSPITALS AND HOSPITAL SYSTEM FOR LIMITED LIABILITY FOR NON-ECONOMIC DAMAGE AWARDS TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Mr. McCleskey announced a recess at 12:25 a.m., on Thursday, March 11, 2004.

Mr. McCleskey reconvened the meeting at 1:05 a.m., on Thursday, March 11, 2004. Other Board members in attendance were Ms. Mary E. Ceverha, Mr. Raymond Hannigan, and Ms. Margo Scholin.

Mr. Casey S. Blass, Chief, Bureau of Immunization and Pharmacy Support, requested approval of final adoption of rules concerning the immunization requirements for Texas child-care facilities, public or private primary and secondary schools, and students enrolled in health-related and veterinary courses in institutions of higher education. (*Attachment XLI*)

Mr. McCleskey called for discussion and recognized persons to speak.

Ms. Denise Marchman, Huges & Luce, on behalf of GlaxoSmithKline, expressed concerns regarding the Hepatitis A immunization requirements of transfer students because they feel it could be a health risk for students to fall through the cracks and not get immunized. (*Attachment XLII*)

Ms. Jorey Berry, State Director of Public Affairs, Texas Chapter March of Dimes, spoke in opposition of the vaccine exemption that was incorporated into HB 2292 as an amendment and in support of the medical communities opinion that the affidavit for exemption be renewed annually and not for five years.

Ms. Frankie Milley, Founder /Director Meningitis Angels, submitted written public testimony that includes her affiliations. Ms. Milley requested the Board amend §97.62(2) and make the affidavit valid for only one year instead of five. (*Attachment XLIII*)

Ms. Suzie Jackson, Vaccine Works, spoke in against the vaccine exemption law passed during the last legislative session and in favor of the Board amending the length of time that the vaccine exemptions are valid from five years to one year.

Dr. Ari Brown, spoke on behalf of over 39,000 physicians from the Texas Pediatric Society, Texas Medical Association, and Texas Academy of Family Physicians, that request the rules be reconsidered for an annual renewal for the affidavit and allow the soon-to-be established Advisory Council to revisit the issue every three years in accordance with the current state law. (*Attachment XLIV*)

Mr. Rodney Throgmorton, Vaccine Works, spoke in agreement that the length of time that the vaccine exemptions are valid for five years is too long.

A MOTION WAS MADE BY MS. CEVERHA AND SECONDED BY MR. HANNIGAN TO APPROVE AN ORDER ADOPTING RULES CONCERNING THE IMMUNIZATION REQUIREMENTS FOR TEXAS CHILD-CARE FACILITIES, PUBLIC OR PRIVATE PRIMARY AND SECONDARY SCHOOLS, AND STUDENTS ENROLLED IN HEALTH-RELATED AND VETERINARY COURSES IN INSTITUTIONS OF HIGHER EDUCATION TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

ON A MOTION MADE BY MR. HANNIGAN AND SECONDED BY MS. CEVERHA, THE BOARD APPROVED AN AMENDMENT TO THE FINAL RULES CONCERNING THE IMMUNIZATION REQUIREMENTS FOR TEXAS CHILD-CARE FACILITIES, PUBLIC OR PRIVATE PRIMARY AND SECONDARY SCHOOLS, AND STUDENTS ENROLLED IN HEALTH-RELATED AND VETERINARY COURSES IN INSTITUTIONS OF HIGHER EDUCATION TO CHANGE § 97.62 (2) TO STATE, "THE AFFIDAVIT WILL BE VALID FOR A TWO-YEAR PERIOD."

THE BOARD APPROVED THE FINAL RULES CONCERNING THE IMMUNIZATION REQUIREMENTS FOR TEXAS CHILD-CARE FACILITIES, PUBLIC OR PRIVATE PRIMARY AND SECONDARY SCHOOLS, AND STUDENTS ENROLLED IN HEALTH-RELATED AND VETERINARY COURSES IN INSTITUTIONS OF HIGHER EDUCATION TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Mr. McCleskey announced the next Texas Board of Health meeting will be held on Thursday, April 15, 2004.

The meeting was adjourned on Thursday, March 11, 2004 at 1:55 p.m.

APPROVED: April 15, 2004

George H. McCleskey, Chair
Texas Board of Health

Date